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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION(ST) NO.14377 of 2007
IN
FIRST APPEAL (L) NO.14376 of 2007

Miss Vinod Kumari Dhawan ....Appellant
v/s.
Mela Ram Dhawan ....Respondents

Shri Anand Grover, Sr.Advocate
with Prakash Mahadik for the Appellant

Shri Vachan Bodake i/b.
M/s. Chitnis Vaithy & Co. for Respondent

CORAM : ANOOP V. MOHTA,J.
DATED : 17th October, 2007

P.C.

. Considering the averments made in the application and in view of the fact that appellant is unmarried daughter of respondent father but in view of their constant conflict, they are unable to settle the matter inspite of repeated adjournments granted by this Court for the same. However, as the appeal is admitted and detailed hearing is necessary, till the final decision of the first appeal, the submission of respondent father that she should not be allowed to stay in house in question just cannot be considered specially looking to the age of the appellant who is 62 years. The controvercies and conflicts just cannot be decided at this stage.

2. However, considering the grounds as raised at this stage of the proceedings, I am of the view and as agreed by the appellant who is present in the Court and as suggested by the learned counsel appearing for the appellant, I am inclined to pass following order.

O R D E R

Till the final hearing of the present appeal, the appellant shall leave the suit premises at all before 9.00 a.m. and is entitled to return in the suit premises on and after 7.00 p.m. each day and occupy the room and use all the facilities including kitchen and bathroom.

It is expected from both parties to cooperate each other during all this period. However, by consent the said time or period can be adjusted.

Civil application is disposed off accordingly with liberty.

[ANOOP V. MOHTA,J.]